

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, et al.,

Plaintiffs,

v.

GREGORY W. ABBOTT, et al.,

Defendants.

Civil Action No. 5:21-cv-844 (XR)  
(consolidated cases)

**UNITED STATES' SUPPLEMENTAL STATEMENT OF FACTS**  
**IN SUPPORT OF ITS OPPOSITION TO INTERVENOR-DEFENDANTS' AND STATE**  
**DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT**

Pursuant to Paragraph 36 of the Court's Fact Sheet, the United States submits this Supplemental Statement of Facts in support of its Opposition to State Defendants' and Intervenor-Defendants' Motions for Summary Judgment. This statement supplements and extends the United States' Statement of Uncontested Facts in Support of Its Motion for Summary Judgment, ECF No. 609-1, which the United States also incorporates into its opposition to Intervenor-Defendants' and State Defendants' motions for summary judgment. All terms and definitions used in the United States' Statement of Uncontested Facts remain the same, and all exhibits retain the same numbering.

210. Mail voting has been part of Texas elections for decades. *See* Tex. Sec. of State, *Voting by Mail*, [Votetexas.gov](https://www.votetexas.gov) (Ex. 107), <https://perma.cc/3NNV-PT7U>; Revised Civil Statutes of the State of Texas (1925), art. 2956 (Ex. 108) (pp. 815-17), <https://perma.cc/KK5L-HKQ4> (providing for absentee balloting).
211. According to the notice prepared by the Texas Secretary of State for voters whose mail ballots have been rejected, ballots may be rejected for reasons that include:
- a. It was determined that the signatures on the Application for Ballot by Mail and Carrier Envelope were not signed by the same person.
  - b. Your Carrier Envelope was not signed or you did not make your mark.
  - c. Voter registration records indicated you did not have an effective registration for this election.
  - d. You indicate you are voting by mail due to expected absence from the county, but you did not provide an address outside the county.
  - e. The residence address you provided on the Statement of Residence is not located within the boundaries of the political subdivision conducting the election.
  - f. Application for Ballot by Mail did not state a legal ground for voting by mail.
  - g. The required Statement of Residence was not included in the Carrier Envelope.
  - h. Your Carrier Envelope did not contain your Texas Driver's License Number, Texas Personal Identification Card Number, Texas Election Identification Certificate Number or the Last 4 digits of your Social Security number or the number provided did not match your voter registration record or if you were not issued one of the documents with the required number, you did not indicate this fact on the Carrier Envelope.

- i. The address to which your ballot was mailed was not an authorized mailing address because you did not designate it as a hospital, retirement center, long term care facility, nursing home, jail, involuntary civil commitment facility, or a relative OR the mailing address provided on your Application for Ballot by Mail did not match the address provided on your voter registration record or the Statement of Residence enclosed with your Carrier Envelope.

Tex. Sec. of State, *Notice of Rejected Ballot* (Form 8-15) (STATE115626) (Ex. 109), <https://perma.cc/XB86-8FVE>.

212. Voters applying to vote by mail on disability grounds must attest to the following statement: “I affirm that I have a sickness or physical condition that prevents me from appearing at the polling place on Election Day without a likelihood of needing personal assistance or of injuring my health.” Tex. Sec. of State, *Application for a Ballot by Mail* (Dec. 9, 2021) (STATE031879) (Ex. 14).
213. On August 17, 2022, the Attorney General of Texas issued a formal opinion stating that “precinct election records,” which include “voted ballots” among other documents, must be preserved under both state law and Title III of the Civil Rights Act of 1960, 52 U.S.C. § 20701. Tex. Office of the Att’y Gen., *Op. No. KP-0411* at 2, (Aug. 17, 2022) (Ex. 110), <https://perma.cc/6YMT-B9EU>.
214. Voters can typically apply a signature or identifying mark to mail ballot materials without needing any additional information provided to them. Patrick Rep. ¶ 34 (Ex. 111).
215. A signature is the typical means for a voter to certify the accuracy of the rest of the information the voter puts on an application or carrier envelope. Patrick Rep. ¶ 34 (Ex. 111).

216. Section 24.2-701(C)(1) of the Code of Virginia provides: “Applications for absentee ballots shall contain the following information: The applicant’s printed name and the last four digits of the applicant’s social security number. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number.” At least one Virginia county—Fairfax County—has interpreted Virginia law not to require rejection of absentee ballot applications based on a failure to provide the last four digits of a Social Security number. *See* Def. Konopasek’s Opp. to Pl.’s Mot. for Decl. & Inj. Relief, *Va. Inst. for Pub. Policy v. Konopasek*, No. CL2021-14420 (Va. Cir. Ct. Fairfax Cnty. Oct. 27, 2021) (Ex. 112), <https://perma.cc/45WB-ZRSH>. The County relied both on the fact that “nowhere in the Code does the statute direct the Registrar to refrain from mailing an absentee ballot to an applicant that failed to include the SSN,” and on Section 24.706(B) of the Code of Virginia, which provides: “In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.” *Id.* at 4-5.
217. Section 203B.121(2)(b)(3) of the Minnesota Statutes provides: “(b) The members of the ballot board shall mark the signature envelope ‘Accepted’ and initial or sign the signature envelope below the word ‘Accepted’ if a majority of the members of the ballot board examining the envelope are satisfied that: . . . (3) the voter’s Minnesota driver’s license, state identification number, or the last four digits of the voter’s Social Security number are the same as a number on the voter’s absentee ballot application or voter record. If the number does not match, the election judges must compare the signature provided by the applicant to

determine whether the ballots were returned by the same person to whom they were transmitted.”